

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION**

**RONNY LEE WALDRIP  
REG. # 00775-122**

**:**

**DOCKET NO. 18-cv-0039  
SECTION P**

**VERSUS**

**:**

**UNASSIGNED DISTRICT JUDGE**

**CALVIN JOHNSON**

**:**

**MAGISTRATE JUDGE KAY**

**ORDER**

Before the court is the amended civil rights complaint filed pursuant to *Bivens v. Six Unknown Named Agents*, 91 S.Ct. 1999 (1971), by pro se plaintiff Ronny Lee Waldrip (“Waldrip”). Waldrip is an inmate in the custody of the Bureau of Prisons and is currently incarcerated at the Federal Correctional Institute at Oakdale, Louisiana.

After considering Waldrip’s original and amended complaints [docs. 4, 6], we determine that this matter should survive the court’s initial review. Therefore, in order for the court to determine an appropriate resolution to Waldrip’s claims,

**THE CLERK IS DIRECTED** to mail to Waldrip at his last known address the following: a copy of this memorandum order, two (2) summons forms for the United States through the United States Attorney for the Western District of Louisiana, the United States through the United States Attorney General, and each named defendant in the amended complaint, namely Warden Calvin Johnson. Because Waldrip is not proceeding *in forma pauperis*, marshal service is only authorized at the court’s discretion under Rule 4(c)(3) of the Federal Rules of Civil Procedure. We will not authorize such a request until Waldrip has made such a request and shown cause for his inability to effect/attempt service by other means. *See, e.g., Bax v. Exec. Office for U.S. Attorneys*, 216

F.R.D. 4, 4–5 (D.D.C. 2003). If such a request is granted, Waldrip is advised that he will be required to pay for such services under Local Rule 5.4.

Waldrip is directed to complete summons forms for each of the above entities and serve Warden Calvin Johnson, the United States through the United States Attorney for the Western District of Louisiana, and the United States through the United States Attorney General, with a copy of the amended complaint [doc. 6]<sup>1</sup> and a copy of this service order, within 90 days of this order, in compliance with Rules 4(e), (i), and (m) of the Federal Rules of Civil Procedure.

**IT IS ORDERED** that the United States through the United States Attorney for the Western District of Louisiana, the United States through the United States Attorney General, and defendant Warden Calvin Johnson file a response within sixty (60) days after the date of service.

After all of the responsive pleadings are filed, an additional sixty (60) days is allowed for the parties to complete all appropriate discovery.

Thereafter, if deemed appropriate, Waldrip and/or any other party may file a motion for summary judgment within thirty (30) days, to include material and relevant affidavits, certified records, interrogatories and answers, admissions, and depositions, if any, and a supporting memorandum brief.

Any party not filing a motion for summary judgment SHALL FILE a Statement of Issues, within the same period, which shall enumerate each genuine issue of material fact perceived by that party which is relevant to this matter, or state that there are none. This statement will be used by the court to determine the necessity of an evidentiary hearing.

**IT IS FURTHER ORDERED** that, as a condition to their acceptance by the Clerk, all future filings by Waldrip or the defendant shall include a certificate indicating that a copy thereof


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<sup>1</sup> Waldrip need not attach the exhibits to his amended complaint [doc. 6, att. 1] or the original complaint [doc. 4], which defendant may instead view through CM/ECF.

has been furnished to the other party, specifically stating the name and address of each party or his attorney to whom a copy of the pleading was sent.

**Waldrip's failure to comply with this order or to apprise the court of any change in his address shall be considered grounds for dismissal under LR 41.3.**

THUS DONE AND SIGNED in Chambers this 13<sup>th</sup> day of March, 2018.

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KATHLEEN KAY  
UNITED STATES MAGISTRATE JUDGE